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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,575	03/11/2004	Coe Kunz		2574

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LAW OFFICE OF ROD D. BAKER  
707 STATE HIGHWAY 333  
SUITE B  
TIJERAS, NM 87059-7382

EXAMINER
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SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/708,575

**Applicant(s)**

KUNZ, COE

**Examiner**

Mark Spisich

**Art Unit**

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the species of Figs 3-4 in the reply filed on 5 January 2007 is acknowledged.
2. Claims 19-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5 January 2007.

### ***Specification***

3. The abstract of the disclosure is objected to because it is too long (should be limited to a single page not exceeding 150 words). Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

4. Claims 7-14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cleaning "implement" is comprised of both the fabric material and the abrasive regions. For this reason, it is felt that claim 7 should be amended to recite "said flexible fabric material comprises a towel". "Edge" (claim 18, line 13) should be deleted. "A second end" (claim 18, line 24) should be either "**the** second end" or "**said** second end", as the second end of the towel was already positively recited in claim 18. Applicant should review the claims for any additional informalities.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Meek (USP 5,394,914). The patent to Meek discloses a towel (24) (column 5, lines 50-54) as well as a plurality of "Velcro" strips (34,38,40) attached to the towel at spaced locations thereon such that they would be capable of being placed in an overlapping relationship and used to cleaning an article. The use of the device does not serve to distinguish over the structure of the prior art. As the strip (34) is disclosed being "Velcro", it would have to be the same as one of the cooperating strips (38,40).

7. Claims 1,5-8,10-12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,368,536. '536 discloses a golf accessory (10) comprising a towel (36) with a pocket (39) disposed in a corner of the towel and which pocket has on an inner surface thereof first and second cleaning regions (41,42). The term abrasive is relative and would read on the material (41).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2,368,536 in view of Zeltner (USP 4,912,800). '536 discloses the invention substantially as claimed with the exception of the ornamentation. The patent to Zeltner discloses a golf accessory in the form of a towel (12) including indicia thereon (see fig 1 and column 5, lines 33-45). It would have been obvious to one of ordinary skill to have provided the device of '536 with such indicia if only for aesthetic purposes and to peak the interest of the user.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2,368,536 in view of English, Jr. (USP 6,226,827). '536 discloses the invention substantially as claimed (including a means (13) for hanging the towel body) with the exception of the attaching mechanism opposite that of the pocket. The patent to English discloses a golf cleaning towel (10) wherein a pocket (18) is formed opposite an attaching mechanism (30). It would have been obvious to one of ordinary skill to have modified the device of '536 as such as it would generally amount to an obvious relocation of the parts of the prior art, which location also being taught by the prior art.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2,368,536. '536 discloses a pocket (39) which has a first portion stitched to the towel (page 4, line 24) and a second portion releasable fasteners (43,44) so that the pocket may be opened. With regard to the use of "snap fasteners" (claim 13), one of ordinary skill would recognize that such would be a well known equivalent structure to the Velcro used in '536 and that the use of either would be an obvious choice of mechanical design to produce the same effect taught by the prior art.

***Allowable Subject Matter***

12. Claim 18 is would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are each pertinent to either golf accessories having a cleaning function or to cleaning devices in general and including a towel with at least one scrubbing region.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS